(c) Following steps have been taken to contain losses :

> Intensive cost control drive.

> Implementation of Voluntary Retirement Scheme (VRS) for employees in 1998 and 1999 which separated 3820 employees.

> Market-oriented production and product-mix.

> Increasing sales net work, more focus on customer satisfaction etc.

> As a part of financial and Business Restructuring package, approved by Government in February, 2000, Captive Power Plant-II of RSP identified for divestment, has been divested, while steps are on to divest the Fertilizer Plant.

ST Status to Gaddies and Gujjars in Himachal Pradesh

3779. ' SHRIMATI CHANDRESH KUMARI : Will the Minister of TRIBAL AFFAIRS be pleased to state :

(a) whether the report of expert bodies to grant scheduled tribe status to Gaddies and Gujjars of the areas merged with Himachal Pradesh has since been received;

(b) if so, the details thereof and if not, the reasons therefor;

(c) whether some time-limit has been fixed for expert bodies to submit the report; and

(d) if so, the details thereof and if not, the reasons therefor ?

THE MINISTER OF TRIBAL AFFAIRS (SHRI JUAL ORAM) : (a) Yes, Sir.

(b) Details can not be disclosed in public interest.

(c) No, Sir.

(d) The expert bodies conduct independent investigations, and no time limit has been fixed. However, they are requested to furnish their comments as early as possible.

Extension of 73rd and 74th Constitutional (Amendment) Act, 1992 to Hilly Scheduled Areas

3780. SHRI W. ANGOU SINGH : Will the Minister of TRIBAL AFFAIRS be pleased to state :

(a) whether Government are contemplating to extend the 73rd and 74th Constitution (Amendment) Act, 1992 to the hilly scheduled areas;

(b) the difference between Sixth Schedule and 73rd and 74th Constitution Amendment Act, 1992; and

(c) the recommendations made by the Bhuria Commission regarding the extension of these two Acts ?

THE MINISTER OF TRIBAL AFFAIRS (SHRI JUAL ORAM) : (a) Yes, Sir. The Government has initiated the process of consulting the concerned State Governments, District Autonomous Councils, Autonomous Councils and Political Parties in the North-Eastern States for incorporating the provisions of the 73rd and 74th Constitution (Amendment) Act, 1992 to the hilly Scheduled Areas.

(b) Under Sixth Schedule, there is a provision of creation of District Autonomous Councils and governance as per traditional tribal institutions in those areas. The Sixth Schedule focuses on the first tier and does not concern itself with tiers below like Block and Village level. The powers and functions are laid down in the Sixth Schedule itself.

73rd and 74th Constitution (Amendment) Acts provide to form three tier Panchayati Raj institution in Rural Areas and Local Self Government in Urban Areas with power and functions as laid down in the Panchayati Raj Acts of States as extended to Scheduled Areas. It also has provisions of reservation for women, SC/ST and Other Backward Classes. The provision of these two Acts are not applicable in Nagaland and Sixth Schedule areas of Assam, Meghalaya, Mizoram and Tripura.

(c) A statement showing major recommendations of Bhuria Committee is annexed.

Statement

Major Recommendations made by the Bhuria Committee

1. The Constitution 73rd (Amendment) Act, 1992 envisages a 3-tier Panchayati Raj Institutions (P.R.Is.) whereas the Committee has envisaged 4-tiers. One tier below the Gram Panchayat level which is not envisaged in 1992 Act, has been recommended for the Scheduled Areas. This has been done to take care of the traditional Village Councils which have been performing varied functions-religious, political, economic, judicial etc. The Committee recommends that the Gram Sabha may nominate its Executive Council or Village Council which may be the traditional body and may delegate to it functions like execution of

development works. The Committee also recommends the nomination of the members not exceeding five in the Autonomous District Councils to give representation to minority tribal communities who cannot find place in the election process. The nominations are to be made in consultation with the Governor.

2. The Committee is of the view that association of the Scheduled Tribe Lok Sabha M.Ps. at the intermediate (block) Panchayat and District Councils be made. The representation of both Scheduled Tribes and non-S.T. MLAs in these two tiers should also be included.

3. The Committee while recommending functions envisaged under the 6th Schedule recommends to include subjects that are indicated in the 11th Schedule of the Constitution as the latter are more wide ranging. The powers, functions and procedures proposed for different tiers may be seen at Annexures A, B, C & D of the Committee's Report. It may be noted that one of the functions given to the Panchayati Raj institutions is consideration of requisitions for land acquisition for purposes other than defence, railways, roads, education and health institutions and approval of schemes of rehabilitation acceptable to the affected persons and implementation of the Scheme of rehabilitation and cognizance and adjudication of all civil disputes including debts and other liabilities and criminal offences not being heinous crimes like murder, dacoity. Education and Health sectors have been made the first charge on the funds received by the Panchayati Raj institutions.

4. It is suggested that funds given to the Panchayats including funds under first provision to Article 275(1) of the Constitution should be placed in the "charged" category to avoid any fear of misutilisation or diversion. It is also suggested that funds under TSP may be quantified and placed at the disposal of Autonomous District Council for distribution among the Panchayats in the Districts. Moreover to the extent possible, the Central and State Governments should devise procedures for direct allotment of funds to the Autonomous District Councils.

5. The Committee recommends that all Government servants and functionaries of institutions concerned with the functions of a Panchayat in a Scheduled Areas and located within its jurisdiction will be under its control.

6. The Committee further recommends that the remaining Tribal Sub Plan areas like MADA areas as well as similar other blocks (referring to clusters) should be included in the Scheduled Areas.

7. It is recommended by the Committee that the Tribes Advisory Council and the Autonomous District Council in the Scheduled Areas should review the existing laws for their relevance and applicability and take action necessary for exclusion of those that are not relevant and inclusion of those that are useful.

8. The Committee also suggests to constitute a Central Advisory Council primarily to advise on any disputes between State Government and the TAC or between the District Council and TAC. This will, while ensuring federal character of the State, will have the merit of resolving the disputes at the State level by way of consultation and dialogue between differing bodies closer to the ground reality and the grass roots.

Allocation of funds for Tribal Development

3781. SHRI KA. RA. SUBBIAN :
PROF. M. SANKARALINGAM :

Will the Minister of TRIBAL AFFAIRS be pleased to state :

(a) the percentage of the Tribal population in the country;

(b) the names of the States predominant with tribal population;

(c) the details of the allocation of funds for the development of tribals for the past five years; and

(d) the details of the various programmes and schemes carried out in the tribal areas of the country during the said period?

THE MINISTER OF TRIBAL AFFAIRS (SHRI JUAL ORAM) : (a) and (b) A Statement-I is attached, (*see* below). There are four States having more than 50% tribal population as indicated therein.

(c) The Ministry of Tribal Affairs allocates funds to various States/UTs in respect of Special Central Assistance to Tribal Sub-Plan and Grant-in-aid under Article 275(1) of the Constitution to the States. A Statement-II on this is attached. (*see* below)

(d) A Statement-III is attached.